

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMEKA OGBONNA,

Plaintiff,

-v-

EQUIFAX INFORMATION SERVICES, LLC, AND
MARRIOTT OWNERSHIP RESORTS INC.,

Defendants.

21 Civ. 1769 (PAE) (SLC)

ORDER

PAUL A. ENGELMAYER, District Judge:

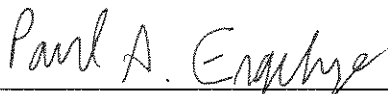
On February 3, 2022, having been advised by the parties that all claims in this case had been settled in principle, the Court entered an order dismissing this case without prejudice to the right to reopen within 30 days if the settlement were not consummated. Dkt. 65 (“30-Day Order”). On March 4, 2022, the parties requested that the 30-Day Order be extended for an additional 10 days, Dkt. 66, which the Court granted, Dkt. 67. On March 15, 2022, plaintiff filed a letter (1) stating that the parties were unable to consummate the settlement agreement due to a dispute as to whether they had agreed to a particular version of it, (2) stating that the parties’ attempt to resolve the issue during a conference with Judge Cave was unsuccessful, and (3) seeking leave to reopen the case for the sole purpose of filing a motion to enforce the settlement agreement he views as operative. Dkt. 68. Also on March 15, 2022, defendant Marriott Ownership Resorts Inc. objected to plaintiff’s request, in part on the ground that plaintiff’s motion was one day late. Dkt. 69. On March 16, 2022, plaintiff filed a reply letter. Dkt. 70.

The Court finds it appropriate to reopen the case—notwithstanding the tardiness of the request—for the sole purpose of resolving the anticipated motion to enforce the settlement agreement. For avoidance of doubt, no aspect of the underlying merits of the case is to be further

litigated, and the Court's reopening of the matter for this limited purpose is not to be taken as reopening the matter—which is otherwise closed—for any other purpose. Upon receipt of the motion, the deadline for filing of which is **March 25, 2022**, the Court will issue an amended Order of Referral for Judge Cave to resolve the dispute in a Report and Recommendation to this Court.

The Clerk of Court is respectfully directed to reopen this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 16, 2022
New York, New York